

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
301-344-0632

MEMORANDUM

TO: Counsel of Record

FROM: Judge Peter J. Messitte

RE: Holman v. Shaw
Civil No. PJM 14-1413

DATE: July 21, 2015

* * *

In preparing its Opinion on Defendant's Motion for Summary Judgment (Paper No. 25), the Court has reviewed the exhibits and seeks further clarification from the parties. Specifically, the screenshots of the iPad seem to indicate that the Inbox initially had thirty-seven (37) unopened emails. *See* JSS-01637 (Inbox icon in upper-left corner). Subsequent screenshots show that number seemingly decreasing—all the way down to one (1). *See, e.g.,* JSS-01744. Another group of photographs seems to indicate that the Inbox had thirteen (13) unopened emails, *see* JSS-01852, before again seemingly decreasing, *e.g.,* JSS-01883.

These photos may suggest that Defendant opened the emails *before* Plaintiff did, which may affect the Court's analysis regarding whether a violation of the Stored Communications Act and Maryland Stored Communications Act occurred.

Accordingly, the Court directs counsel for both Plaintiff and Defendant, within the next ten (10) days, to advise the Court of their respective positions regarding the significance, if any, of this issue, and its effect, if any, on the pending Motion.

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

cc: Court File